

BOROUGH OF WATCHUNG

COUNCIL MINUTES

MARCH 19, 2015

MAYOR'S STATEMENT: Mayor Pote called the meeting to order 7:43 PM and made the following statement: Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of annual notice to the Courier News, Echoes Sentinel, and Star Ledger, and posted at Borough Hall.

SALUTE TO THE FLAG and a MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD.

ROLL CALL

Nehls [P] Black [P] Franklin [P] Joren [P] Gibbs [P] Beck-Clemens [P]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, Engineer Tom Herits, Police Chief Joe Cina, Clerk Michelle DeRocco, and Deputy Clerk Mary Ann Hance.

There were 9 members of the public present.

PROCLAMATION

Mayor Pote read the proclamation for Poison Prevention Week – March 15th through March 21st (copy attached).

EAGLE SCOUT PRESENTATION

Thomas Fiorilla – Bat Houses

Councilman Gibbs explained that Thomas initially presented his request to the Environmental Commission, and Councilman Gibbs recommended that he present his Eagle Scout Project proposal before the Council.

Thomas came forward and gave a brief explanation on why placement of bat houses would be beneficial to the community and the environment. He explained he would be constructing four bat houses, two being placed at each of the Borough's lakes. Thomas said bats will eat a third of their body weight each night which helps control insects, including mosquitoes. He explained that as a result of this, fewer pesticides are needed. Councilman Black asked if the cell tower would cause a problem for the bats and Thomas said it would not. Councilwoman Joren said it is a great idea. Councilwoman Beck-Clemens asked what had given him the idea for bat houses and he said he did research and also brainstormed with his parents. Councilman Gibbs said he was pleased Thomas brought this information to share with the Mayor and Council, adding that this is a great opportunity to teach our children about the benefits bats have on our environment. Council President Nehls requested Thomas contact Mrs. DeRocco who can coordinate having Public Works assist in the installation when the houses are ready.

REPORT OF STANDING COMMITTEES

1. Administration & Finance – Councilman Franklin reported there was a Committee meeting on March 9th and most of the agenda items were carried over from previous meetings. He said there are some items that will have to be discussed with Labor Counsel and discussion on banking practices was held over because the Committee ran out of time. He also said there is a Resolution on this agenda this evening implementing summer hours for the non-union employees. Councilwoman Joren questioned when the budget will be ready for introduction and Councilman Franklin said the next Finance Committee meeting will be devoted to the budget. Administrator Tom Atkins said he has been working with CFO Bill Hance and will be perfecting it so it can go to the Administration & Finance Committee, hopefully by mid-April. Councilwoman Beck-Clemens said the Borough has to work on reducing the debt. She also said she supports Councilman Gibbs' suggestion that a trust fund set up for road repairs, and the Committee should analyze our insurance coverages to see if there are better rates. Councilwoman Beck-Clemens also said they will be looking at Borough positions to change or eliminate some of them. She also said Councilman Gibbs, herself and Clerk Michelle DeRocco attended a conference on **Budgeting for Elected Officials: Everything You Need To Know To Create, Balance And Approve Your Municipalities' Budget**, on Saturday, February 28, 2015.

2. Police - Council President Nehls reported there was a Committee meeting on March 6th and he requested there be an Executive session for the next Council meeting to discuss some issues. Chief Cina will be present.
3. Public Works / Buildings and Grounds – Council President Nehls reported the culvert (stone wall) on Washington Rock Road, off Robin Glen, collapsed today. He said the Borough will have to do emergency repairs and Engineer Tom Herits will be getting cost estimates. He also said this was the part that the County did. Council President Nehls said the Borough has hired a new public works employee who will be starting in two weeks. Councilwoman Beck-Clemens requested a copy of the resume. Councilman Nehls said a Resolution awarding a Professional Service Contract to Arcari Iovino for the Library Design Study is on the Agenda.
4. Public Affairs:
 - Open Space- Councilwoman Beck-Clemens reported Mr. Herits will discuss the Ness Farm tonight.
 - Environmental – Councilman Gibbs reported on upcoming events for the Borough including the Watchung/Warren Green Fair being hosted in Warren, on April 25th from 10 AM to 1 PM. He said this will be hosted in Watchung next year. He also reported the Borough shred date is June 13th, 9 AM to 1 PM at the Police Department parking lot; the Farmers Market on Sundays September 13th to October 25th from 10 AM to 2 PM; Operation Pride on April 11th from 9 AM to 12 PM. Councilman Gibbs mentioned the letter received from Pam Lewis resigning from the Environmental Commission due to her relocation to Madison. He also reported the Commission goes through all tree reports at their meetings and there is some concern with older homes being knocked down and bigger homes being erected. He said this will be watched for potential problems.
 - Recreation – Councilwoman Beck-Clemens reported she attended the Showcase (basketball) last Saturday and it was a great event. She also wanted to thank the organizers of this event, Dave Mobus, Chris Murphy, and Craig Zaikov of the Recreation Commission. Councilwoman Beck-Clemens also reported the Recreation Commission will be having an Easter Egg Hunt on March 28th from 11-12:30 PM at Mobus Field, and that the Texier House will also be open that day.
 - Historical – Councilwoman Beck-Clemens reported the ladies have been conducting workshops every Tuesday from 11 AM to 1 PM. They met last Wednesday to work on a temporary exhibit. She said the Committee is working on a new temporary exhibit of WWII and the American Flag.
 - Board of Health- Councilman Black reported the Laws and Ordinance Committee has discussed possibly requiring carbon monoxide detectors to be installed in retail locations. Councilwoman Joren said she has been contacting Kevin Sumner by email for further information. Councilman Black said the next Board of Health meeting is scheduled for April 15th at 7:00 PM.
5. Fire – Councilman Black reported he attended the 1st of the month meeting and members discussed clearing the snow/ice around fire hydrants. Members said there are not enough volunteer labor resources. to handle clearing all of the hydrants. Council President Nehls said the Borough Ordinance takes responsibility off homeowners. He said Public Works employees cannot do this since they are working on clearing roads, sidewalks and Borough parking lots and stairways. He also commended both Pete Martino and Andy Baldassarre for their help clearing some of the hydrants. Council President Nehls said this should be part of the stipend requirement for members. Councilman Black said he would have no problem with including hydrant clearing as part of the stipend requirement. Councilman Gibbs also said both Pete and Andy did this to help protect their neighbors. He also said he had issues with the letter received which stated there were no opportunities to discuss or give input for the Ordinance. Councilman Gibbs said there is a portion on all agendas for a member of the Fire Department to speak but very rarely does someone attend. Councilman Black said at many Committee meetings when Ordinances are mentioned it would then be sent to their Committees but then there is no follow up by the department. Councilman Franklin said it is not mandatory for homeowners to clear the hydrants but the Borough could possibly encourage them to assist if they are able and he suggested putting

something in next Fall's Newsletter. Councilwoman Joren said encouragement is fine but the Borough cannot mandate homeowners to do this and she stands by the Ordinance. Mayor Pote requested getting a statistics report on hydrant clearing this year. Councilwoman Joren suggested the possibility of having an "Adopt a Fire Hydrant" message put out to residents.

6. Laws/Ordinances- Councilwoman Joren reported the Committee met with Ed Bennett and discussed the two Ordinances that are on this Agenda for introduction. She also said there are discussions regarding the removal of the Triangle from the Historic Zone since none of the buildings are historical. She said she sent an email to members of the Village Center Preservation Committee and has had only one response, from Mr. Stout. It was the consensus of the Council to move forward with this and Mayor Pote would like to make sure they take into consideration the area where the tank and flag pole are. He said this should remain as part of the historical site. Mr. Cruz said the next step would be to prepare an amendment to the Zoning Map and authorize Mr. Herits to do this. Mr. Herits suggested that since Weldon Concrete is coming in for a zoning map change the Borough should wait until they get this and do both at the same time. Councilwoman Joren said the Committee will be discussing other issues including requiring carbon monoxide alarms for commercial businesses, fees for parking violations, changes to the Clothing Bin Ordinance, increases to some other fees, and after receipt of the Annual report from the Board of Adjustment, other zoning issues.

REPORTS - OTHER:

7. Engineer – Tom Herits reported he had a meeting at the Texier House with Barbara Diem, Diddy Addario and Richard Stomber to discuss the lighting and ceiling. He said he met with an electrician and will work up some costs for both and send to the Public Works Committee. The Bond Ordinance on the agenda this evening is for the resurfacing of Ridge Road, Knollwood Drive and Deer Run. Mr. Herits said there were five areas of concern on the Ness Farm. He said Area 1 is the agricultural area, which is about 60% of the Ness farm, and is basically clean; Area 2 is the area that had solid waste debris and some pesticides and hydrocarbons were found. The recommendation is to do some soil clean up. Area 3 had underground storage tanks and these have been removed. Area 4 includes buildings and Council President Nehls said these have been inspected by Ed Bennett and there is some asbestos which has to be removed. Mr. Herits said Area 5 is the historic fill area and depending on plans for the Ness Farm this could be a good location for a parking area. He said the remedial investigation report is almost complete and the remedial action work plan is being worked on and once received he will give to Mr. Atkins to distribute to everyone. Council President Nehls said it has been suggested by Councilman Gibbs to possibly move forward in some of the areas if these can be identified. Mr. Herits also reported the plans for the Fire House are complete and the next step will be to meet to set up the phase for the work to be done.
8. Police Chief – Chief Cina reported that the two new officers have completed their field training and are on their own but are still being monitored for the duration of their probationary period. One of the officers was involved in an accident but he said he cannot discuss details since it is an ongoing investigation. He said both the Officer and other party involved had only minor injuries. Chief Cina said the Department continues working with the Rodgers Group toward maintaining Accreditation. He also mentioned a NIXEL alert going out regarding IRS Scams. Mayor Pote mentioned a scam involving a report from Verizon stating you are blocked and once you hit the site they can get into your phone information.
9. Fire Department – Administrator Tom Atkins said there was a meeting at 6 PM this evening with the Rodgers Group and the Fire Department representatives.
10. Rescue Squad – Denise Wilson gave a report of various events held and the monthly statistics. She also reported one of the vehicles was involved in an accident and as soon as the new vehicle arrives it will be sent out for repairs. She noted there have been fewer calls this year considering the type of winter we have been having.
11. Emergency Management – Mr. Atkins said Gary Greves is still working on potential outstanding FEMA reimbursements.

12. Attorney –Mr. Cruz reported on the March 10, 2015 New Jersey Supreme Court Affordable Housing decision. He suggests meeting with Mayor Pote, Council President Nehls, Administrator Atkins, Engineer Tom Herits and Planner Marsha Shiffman to discuss the next steps. Mr. Cruz said he would recommend the Borough file with the Court in the 30 day period to enjoy the protection for what was already established. He also urges the Borough to contact the Legislature regarding the “Bateman Bill.” Mayor Pote said a meeting should be scheduled as soon as possible to help establish a time line. Mr. Cruz said the League of Municipalities has a model Resolution that the Borough could consider in some form.
13. Clerk – Ms. DeRocco pointed out the “large” check on the stand in the front of Council room, and thanked the Lions Club for the \$1,000.00 donation to the Recreation Commission to sponsor the Easter Egg Hunt. Ms. DeRocco said there was a photo op with, Linda Monetti, Lions Club President Pat Fittipaldi, members Paul Michaelis and Peter Smeretsky and herself. Ms.DeRocco also mentioned there is a basket on the counter in the hallway for used eye glass collection, for the Lions Club. She said the Newsletter went out today and should be received by residents tomorrow or Saturday.
14. Administrator – Mr. Atkins had no report.

Mayor Pote reported he attended a celebration at the Salvation Army and said it was a very nice event. He also said he will be attending a meeting in Chatham on, Saturday, March 28th with several other Mayors regarding the Pilgrim Pipeline.

PUBLIC PORTION AGENDA ITEMS ONLY

No one from the public desired to be heard.

UNFINISHED BUSINESS

A Public Hearing on Ordinance OR:15/02 entitled "AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG, CHAPTER IX, ENTITLED “ALCOHOLIC BEVERAGE CONTROL,” SPECIFICALLY SECTION 9-3.7 THEREOF, ENTITLED ‘LICENSE FEES; MAXIMUM NUMBER’ AS HERETOFORE SUPPLEMENTED AND AMENDED" was held.

Councilwoman Joren moved a public hearing be held with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

With no one from the public wishing to be heard Councilwoman Joren closed the public hearing and moved the following resolution:

R1:03/19/15 Adoption of Ordinance OR:15/02 – Liquor License Fees

Council President Nehls seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

NEW BUSINESS

CONSENT AGENDA: The Consent Agenda Items listed below were unanimously adopted following a motion by Council President Nehls and a second by Councilwoman Joren and upon roll the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

Approval of the following Council minutes:
February 19, 2015

Acknowledging Receipt of the following Borough Reports:
 Planning Board Minutes – January 20, 2015 - Re-Organization Meeting
 January 20, 2015 - Regular Meeting
 Environmental Commission Minutes – November 24, 2014
 Board of Health Minutes – January 21, 2015
 Building Department Report – February 2015

Acknowledging Receipt of the following Correspondence:

- #9 - Township of Warren 2/20/15 Warren Master Plan Re-Examination Report c: M & C, TEA, Pl. Board
- #10- Pam Lewis 3/16/15 Letter of resignation as a member of the Environmental Commission, due to relocating c: M & C, TEA, Env. Commission

Councilwoman Joren requested a formal letter of appreciation be sent to Ms. Lewis and Mayor Pote said this will be done.

CONSENT AGENDA RESOLUTIONS:

Prior to voting on Resolutions, Mr. Cruz requested R3 be pulled for separate vote due to a conflict of interest; Councilwoman Beck-Clemens requested R5 be pulled for separate discussion; and Council President Nehls requested R7 be pulled for separate discussion.

Council President Nehls moved resolutions R2, R4, R6, R8, R9, R10, with a second by Councilman Gibbs and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

R2:03/19/15 Purchases Over \$2,000.00 – Rodgers Group LLC (Police Dept. Training)
Fail Safe Testing Inc. (FD Apparatus Insp. & Testing)
Somerset County Road Division (Salt)

R3: Authorize Sanitary Sewer Connection – Tiger Realty / 833 Mountain Boulevard

R4: Award Professional Service Contract – Arcari Iovino / Library Design Study

R5: Appointment of Temporary Clerk – Building Department, Tax Office / Joanne Bowden

R6: Authorize Shared Service Agreement – Somerset County / Printing Services

~~R7: Authorize Personnel Manual Amendment – Accumulation of Sick Leave. Tabled~~

R8: Authorize Summer Hours / Non-Union Employees – June 4 through September 3, 2015

R9: Authorize Tax Sale Certificate Redemption - #12-006 / 106 Brookdale Road

R10: Appointments to Youth Services Commission – E. Allen, N. Phillips

Due to a conflict, Mr. Cruz stepped down from the dias into the public area and Council President Nehls moved Resolution R3 with a second by Councilman Gibbs and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

Resolution R5 - Councilwoman Beck-Clemens wished to discuss the appointment of the temporary help for the Construction Department and said she would like to have either a “cap” on the amount or set a time frame. Mr. Atkins said the amount of time depends on the effectiveness of assistance and as far as time frame probably May or June. Councilwoman Beck-Clemens requested an ending date. Councilman Gibbs asked if we need a resolution for this and Council President Nehls said it should be in the resolution. Mr. Atkins said it could be stated not to work past June 12th and, if needed, be revisited at that time. Mayor Pote suggested getting together with Mr. Atkins to come up with a long term solution. Mr. Atkins stated the department is trying to get caught up. Council President Nehls said the Administration & Finance Committee should try to come up with a permanent solution and Councilman Gibbs said this will be discussed.

Council President Nehls moved resolution R5 as amended, not to go past June 12, 2015, with a second by Councilman Gibbs and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

Resolution R7 – After some discussion it was the consensus of the Council to table R7 for further review by the Administration/Finance Committee. Council President Nehls moved to table R7 with a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

NON-CONSENT AGENDA ITEMS: Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

Councilman Franklin moved the following resolution with a second by Councilwoman Beck-Clemens and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens “aye.”

R11:03/19/15 Authorize Temporary Capital Budget – 2015 Road Resurfacing Project

Proposed Bond Ordinance OR:15/03 entitled “BOND ORDINANCE TO AUTHORIZE THE 2015 ROAD RESURFACING PROGRAM IN, BY AND FOR THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,150,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.” Councilwoman Joren moved the ordinance be adopted on first reading and directed the Clerk to publish the ordinance and notice of Public Hearing.

Councilwoman Joren moved the following resolution with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens “aye.” Public Hearing to be held on April 2, 2015.

R12: Introduction of Bond Ordinance OR:15/03 – 2015 Road Resurfacing Program

Proposed Ordinance OR:15/04 entitled “AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING CHAPTER XIV, TITLED “PROPERTY MAINTENANCE” OF THE CODE OF THE BOROUGH TO ADD ARTICLE IX, TITLED "REGISTRATION AND MAINTENANCE OF PROPERTIES PENDING FORECLOSURE." Councilwoman Joren moved the ordinance be adopted on first reading and directed the Clerk to publish the ordinance and notice of Public Hearing.

Councilwoman Joren moved the following resolution with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens “aye.” Public Hearing to be held on April 2, 2015.

R13: Introduction of Ordinance OR:15/04 – Amend Code / Registration and Maintenance of Properties Pending Foreclosure

Proposed Ordinance OR:15/05 entitled “AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING CHAPTER XIV, TITLED “PROPERTY MAINTENANCE” OF THE CODE OF THE BOROUGH TO ADD ARTICLE X, TITLED "VACANT PROPERTIES" ESTABLISHING REGISTRATION REQUIREMENTS, REGISTRATION FEES, INSPECTION AND MAINTENANCE REQUIREMENTS FOR VACANT OR ABANDONED STRUCTURES.” Councilwoman Joren moved the ordinance be adopted on first reading and directed the Clerk to publish the ordinance and notice of Public Hearing.

Councilwoman Joren moved the following resolution with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens “aye.” Public Hearing to be held on April 2, 2015.

R14:03/19/15 Introduction of Ordinance OR:15/05 – Amend Code / Vacant or Abandoned Structures

Councilman Franklin moved the following resolution with a second by Councilwoman Beck-Clemens and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens “aye.”

R15: Payment of Bills

PUBLIC PORTION – GENERAL DISCUSSION

Pete Martino, Sunbright Road, questioned who paid for the mailing of the “Watchung Going Green: information. Ms. DeRocco responded this was paid for by the company not the Borough. Mr. Martino then asked if there had been any research done on the 2014 Stipend for the Fire Department. Councilman Black said he met with CFO Bill Hance and they went over every line item. He said this now has to be worked on with the Fire Committee. He also said it was initially the Fire Department who set up the point system. Councilman Gibbs said an outside group will be hired to do a full assessment of the Department. Councilman Black said action needs to be taken and reminded Mr. Martino the Mayor and Council only appoint the Chief and Assistant Chief. Mr. Atkins said the Rodgers Group will be evaluating the apparatus and equipment but have not been engaged yet for any other work. The Fire Committee will make a recommendation.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:35 P.M. to the call of the chair and to the next scheduled Council meeting on Thursday, April 2, 2015 at 7:30 P.M.

Respectfully submitted,

Mary Ann Hance
Deputy Clerk